IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.2017 OF 2006
IN
NOTICE OF MOTION NO.2232 OF 2003
AND
NOTICE OF MOTION NO.2232 OF 2003
IN
SUIT NO.4589 OF 2000

Smt.Mira Balu & Balya Lakhan & Ors. ....Plaintiffs
V/s.
Captain P.Dandona & Ors. ....Defendants

Mr.A.L. Patki for the Applicant - Defendant No.9.
Mr.Rajiv Narula i/b Jhangiani Narula & Associates for Defendant No.8.

CORAM : S.J. VAZIFDAR, J.
DATED : 20TH NOVEMBER, 2006.

P.C. :

1. Notice of Motion No.2017 of 2006 is made absolute in terms of prayers (a) and (b).

2. By consent Notice of Motion No.2232 of 2003 which has been restored is taken on board and heard finally.

3. This Notice of Motion has been filed by Defendant No.9 inter-alia challenging the consent terms dated 7.2.2003 executed between the Plaintiffs and Defendant Nos.3 and 8. The order in terms of the

consent terms was passed on 11.2.2003 which has also been challenged.

4. The consent terms admittedly have been entered into only between the Plaintiffs and Defendant Nos.3 and 8. Defendant No.9 is not a party to the consent terms. In the circumstances, nothing contained in the consent terms can affect any rights of Defendant No.9. Mr.Narula, the learned counsel appearing on behalf of Defendant No.8 accepts this position. According to Defendant no.8, Defendant No.9 has no right, title and/or interest in the suit property. That is an independent matter.

5. With the above clarification, Notice of Motion No.2232 of 2003 is disposed of.